

REMARKS

The Applicants have now had an opportunity to carefully consider the comments set forth in the Office Action mailed July 13, 2005 as well as the comments provided by the Examiner in a telephone interview held on or about August 30, 2005. All of the rejections are respectfully traversed. The recognition of allowable subject matter in claim 15 is noted with appreciation. Nevertheless, amendment, reexamination and reconsideration of the application are respectfully requested.

The Office Action

In the Office Action mailed July 13, 2005:

claim 15 was found to include allowable subject matter;

claims 23 and 24 were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 5,885,083 to Farrell ("Farrell");

claims 1, 5-7, 9, 11-14 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Farrell in view of U.S. Patent No. 5,920,838 to Mostow, et al. ("Mostow");

claims 2-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Farrell in view of Mostow and further in view of U.S. Patent No. 5,878,396 to Henton ("Henton");

claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Farrell in view of Mostow and further in view of U.S. Patent No. 4,787,038 to Doi, et al. ("Doi"); and

claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Farrell in view of Mostow and further in view of U.S. Patent No. 6,017,219 to Adams, Jr., et al. ("Adams").

Telephone Interview Summary and Request for Entry

to Place the Application in Better Condition for Appeal

On or about August 30, 2005, one of the representatives of the Applicants, Mr. Thomas Tillander, telephoned the Examiner, Mr. Martin Lerner, to discuss, for example, **claim 1** and the reliance of the Office Action on Mostow for disclosure of "repurposed input text from a repurposed source." Mr. Tillander suggested that text from a tutor from another domain was not fairly read as "repurposed text" since the original purpose of text from a tutor from another domain is to be used in language lessons and such text is

not “repurposed” by the receiving tutor. The Examiner indicated that he didn’t think verbal discussions along these lines would be fruitful and no agreement was immediately reached.

Nevertheless, the Examiner indicated that he believed the application was --close to being allowed--. Additionally, the Examiner indicated that the rejections presented in the Office Action notwithstanding, claims such as **claims 2-4, claim 8, and claim 10**, would be allowable if rewritten in independent form.

In this regard, **claims 2, 8 and 10**, as well as **claim 15**, which the Office Action found to include allowable subject matter, have been placed in independent form.

Additionally, currently withdrawn **claims 16 and 17** have been amended to recite --repurposed input text from a repurposed source and were previously amended to recite a visual pronunciation aid in the form of an animated image of a human face and head pronouncing the audible speech--. The Examiner indicated that claims that recited both repurposed text and a visual pronunciation aid in the form of an animated image of a human face and head would be allowable.

Claim 23, which was previously identified by the Office as a linking claim, the allowance of which would cause the withdrawal of the restriction requirement that caused the withdrawal of **claims 16-19**, has been amended to recite --converting repurposed input text--.

It is respectfully submitted that the amendment to **claim 23** should not require a new search since similar subject matter was previously recited, for example, in **claim 1**.

Similar remarks are submitted with regard to **claims 16 and 17**. Additionally, with regard to support for **claim 17**, **claim 18** was previously amended to recite receiving input text from a repurposed source via one of a network, a scanner and the internet. Furthermore, it is respectfully submitted that placing **claims 2, 8, 10 and 15** in independent form should not require a new search.

For at least the foregoing reasons, entry of the present amendment is respectfully requested. Even if this Amendment is found not to place all the claims in condition for allowance, it should at least reduce the number of claims being appealed, thereby placing the application in better condition for appeal.

The Claims are not Anticipated

Claims 23 and 24 were rejected under 35 U.S.C. §102(a) as being anticipated by Farrell.

However, it is respectfully submitted that Farrell does not disclose or suggest a means for converting input text to audible speech in a selected language. Indeed, it is respectfully submitted that the vocabulary library 68 is not fairly interpreted as input text as the Office Action implies.

Moreover, even if the playback of prerecorded speech of Farrell is construed as disclosing a means for converting input text to audible speech, it is respectfully submitted that Farrell does not disclose or suggest the means for converting input text to audible speech disclosed and claimed in the present application. It is respectfully submitted that an element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material or acts in support thereof and such claim shall be construed to cover the corresponding, structure, material or acts described in the specification and equivalents thereof (35 U.S.C. §112, sixth paragraph).

For example, in operation, processor 60 of Farrell includes appropriate control logic preferably in the form of software to present visual stimuli, such as text and graphics, on display 64. Oral presentation of vocabulary elements utilizes speech synthesizer 74 and speaker 76. The user may respond using one or more input devices, such as keyboard 66, mouse 78, tablet 62 or microphone 72 (column 7, lines 34-40). It is respectfully submitted that Farrell does not disclose or suggest inputting text to be converted. Instead, it is respectfully submitted that, that as explained in the portions cited above, Farrell produces stimuli, such as text and graphics, from a library of such elements and waits for a user's response. Therefore, it is respectfully submitted that Farrell does not disclose or suggest the means for converting input text to audible speech disclosed in the present application and recited in **claim 23**.

Additionally, **claim 23** has been amended to recite --means for converting repurposed input text to audible speech--. It is respectfully submitted that Farrell does not disclose or suggest the means for converting repurposed input text to audible speech in a selected language that is disclosed in the present application and recited in **claim 23**.

For at least the foregoing reasons, **claim 23**, as well as **claim 24**, which depends therefrom, is not anticipated and is not obvious in light of Farrell.

The Claims are not Obvious

Claims 1, 5-7, 9, 11-14 and 20 were rejected under 35 U.S.C. §103(a) as being

unpatentable over Farrell in view of Mostow.

Arguments similar to those submitted in support of **claim 23** are submitted in support of **claim 1**. It is respectfully submitted that Farrell is not fairly construed as disclosing a first module configured to convert input text to audible speech since Farrell does not disclose or suggest inputting text. Instead, it is respectfully submitted that Farrell discloses presenting pre-packaged text and/or images to a user (column 7, lines 34-40).

Furthermore, even if the pre-loading of planned lesson vocabulary of Farrell is read as inputting text, the Office Action stipulates that Farrell does not disclose that input text is repurposed input text from a repurposed source. The Office Action relies on Mostow for disclosure of repurposed input text.

However, it is respectfully submitted that disclosure of importing text from a tutor for another domain (column 8, lines 51-61), or assertions that the invention of Mostow enables content to be created by operating the tutor in an authoring mode or during normal tutorial activities, does not disclose or suggest receiving repurposed input text from a repurposed source. It is respectfully submitted that the purpose of the tutor in the other domain and the text received therefrom is the same as the purpose of said text once received in the present domain by the present tutor. That is, in both instances, the purpose of the text is language training. Therefore, text received from a tutor in another domain is not fairly read as being repurposed. For a discussion of repurposed text, the attention of the Examiner is directed to, for example, page 9, line 29 -- page 10, line 2, of the present application.

For at least the foregoing reasons, **claim 1**, as well as **claims 5-7, 9 and 11-14**, which depend therefrom, is not anticipated and is not obvious in light of Farrell and Mostow taken alone or in any combination.

Additionally, in what is understood to be a reference to **claim 5**, the Office Action asserts that Farrell discloses that a vocabulary element may be a phoneme word, sentence or paragraph and directs the attention of the Applicants to column 4, lines 45-49, in support of the assertion. The Office Action then asserts that a vocabulary element is "a predictive model." This assertion is respectfully traversed.

Farrell and Mostow do not disclose or suggest that a vocabulary element, such as a phoneme, word, sentence or paragraph, is properly characterized as a predictive model. For a discussion of predictive models, the attention of the Examiner is directed, for example, to page 3, lines 16-24; page 3, line 30 -- page 4, line 7; and page 13, lines

1-4, of the present application. It is respectfully submitted that these portions of the specification make it clear that a predictive model is something other than a vocabulary element. For example, on page 13, predictive models are identified as one of a variety of models including phoneme models, diphone models or dynamically generated models. Therefore, it is respectfully submitted that it is clear that predictive models are something other than phoneme models.

For at least the foregoing reasons, it is respectfully submitted that Farrell and Mostow do not disclose or suggest a system for interactive language instruction including a second module configured to recognize the utterances and provide feedback to the user, the feedback being comprised of a confidence measure reflecting a precision at which the user replicates the audible speech in the selected language based on a comparison of the utterances to one of the audible speech and a model, wherein the model is one of a predictive model, a diphone model and a dynamically generated model, as recited in **claim 5**.

For at least the foregoing additional reasons, it is respectfully submitted that **claim 5** is not anticipated and is not obvious in light of Farrell and Mostow taken alone or in any combination.

Claims 2-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Farrell in view of Mostow and further in view of Henton.

However, **claim 2** has been placed in independent form. It is respectfully submitted that during the telephone interview summarized above, the Examiner indicated that, remarks to the contrary in the Office Action notwithstanding, **claim 2** would be allowable if placed in independent form. **Claims 3 and 4** depend from **claim 2**.

For at least the foregoing reasons, it is respectfully submitted that **claim 2**, as well as **claims 3 and 4**, which depend therefrom, is not anticipated and is not obvious in light of Farrell, Mostow and Henton taken alone or in any combination.

Additionally, in explaining the rejection of **claim 2**, the Office Action stipulates that Farrell (and Mostow?) omit disclosing a third module synchronized to the first module for producing a visual pronunciation aid in the form of an animated image of a human face and head pronouncing the audible speech and relies on Henton for such disclosure.

However, while Henton discloses an animated face, Henton does not disclose or suggest that such an animated face could or should be used to aid a language student in learning how pronounce vocabulary elements. Henton does not disclose or suggest

that an animated face could or should be used to aid a language student in learning to pronounce vocabulary elements. It is respectfully submitted there is simply no motivation to combine the animated face of Henton with the language training system of Farrell other than that found in the present application.

Therefore, it is respectfully submitted that the rejection of **claims 2-4** is based on impermissible hindsight.

For at least the foregoing reasons, **claims 2-4** are not anticipated and are not obvious in light of Farrell, Mostow and Henton taken alone or in any combination.

Additionally, **claim 3** recites the animated image of the human face and head portrays a transparent face and head. In this regard, the Office Action asserts that Henton discloses a face and head, which is a "transparent" line drawing of a human face and head. However, it is respectfully submitted that the line drawings of FIG. 3 are simply that, line drawings. They do not depict a transparent head, and they do not, for example, better enable an observer to determine relative positions of lips, teeth and tongue while pronouncing vocabulary elements. Indeed, Henton does not even disclose or suggest that the line drawings be used as an animation. Instead, the line drawings are simply a tool used for the purpose of the patent document to emphasize the most salient features of the ten visemes of FIG. 3 (column 5, lines 3-5).

For at least the foregoing additional reasons, **claim 3** is not anticipated and is not obvious in view of Farrell, Mostow and Henton taken alone or in any combination.

Regarding **claim 4**, the Office Action asserts that Henton discloses a voice table block is utilized by voice synthesizer to provide all needed phones or use aliases for any needed missing phones and directs the attention of the Applicants to column 5, lines 42-52, and FIG. 2 in support of this assertion. The Office Action then asserts that supplying phones for speech synthesis involves controlling one of "the vocal characteristics of the audible speech." However, even if the assertions of the Office Action are correct, it is respectfully submitted that Henton and the assertions of the Office Action do not disclose or suggest providing the user with a means for adjusting the vocal characteristics of audible speech. In this regard, **claim 4** has been amended to recite the first and third modules further include user controls to control one of the speed of the animated image and the audible speech, and the vocal characteristics of the audible speech. It is respectfully submitted that the Office understood that **claim 4** was intended to refer to user controls. For example, page 10 of the Detailed Action mailed March 17, 2004, asserts that concerning **claim 4**, Farrell must implicitly include

at least a volume control for speakers 76. Therefore, it is respectfully submitted that the amendment to **claim 4** should not require a new search or undue consideration and the present amendment should not be refused entry based on the amendment to **claim 4**.

It is respectfully submitted that Farrell, Mostow and Henton do not disclose or suggest first and third modules including user controls to control one of the speed of the animated image and the audible speech or the vocal characteristics of the audible speech.

For at least the foregoing additional reasons, **claim 4** is not anticipated and is not obvious in light of Farrell, Mostow and Henton taken alone or in any combination.

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Farrell in view of Mostow and further in view of Doi.

However, **claim 8** has been placed in independent form. It is respectfully submitted that during the telephone interview summarized above, the Examiner indicated that, the assertions of the Office Action to the contrary notwithstanding, **claim 8** would be allowable if placed in independent form.

For at least that reason, it is respectfully submitted that **claim 8** is not anticipated and is not obvious in light of Farrell, Mostow and Doi taken alone or in any combination.

Additionally, **claim 8** recites the system as set forth in **claim 1** wherein the system further comprises a mapping of sub-words in a first language to sub-words in a second language for illustrating sound-alike comparisons to a student. In explaining the rejection of **claim 8**, the Office Action directs the attention of the Applicants to column 7, lines 13-66, and column 2, lines 14-49, of Doi. However, column 7, lines 13-36, describes the function and purpose of a data display control for selecting translation possibilities. It is respectfully submitted that Doi does not disclose or suggest sound-alike comparisons. Instead, the subject matter of FIG. 4 and the referenced portion of column 7 are related to complete word literal translations and are unconcerned with teaching the proper sound or pronunciation of words. Furthermore, FIG. 4 and the referenced portion of column 7 are unrelated to any discussion of sub-words. It is respectfully submitted that similar remarks are applicable to the referenced portion of column 2. It is respectfully submitted that Doi is concerned with presenting a plurality of possible literal translations to a user. However, Doi does not disclose or suggest the subject matter for which it is relied. That is, Doi does not disclose or suggest a mapping of sub-words in a first language to sub-words in a second language for illustrating sound-alike comparisons to a student as recited in **claim 8** and discussed in the present

application, for example, on page 5, lines 7-13, and on page 19, lines 10-18.

For at least the foregoing reasons, **claim 8** is not anticipated and is not obvious in light of Farrell, Mostow and Doi taken alone or in any combination.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Farrell in view of Mostow and further in view of Adams.

However, **claim 10** has been placed in independent form. It is respectfully submitted that during the telephone interview summarized above, the Examiner indicated that, the rejections presented in the Office Action notwithstanding, **claim 10** would be allowable if placed in independent form. Additionally, **claim 10** has been placed in independent form by including subject matter from independent **claim 1**. In this regard, arguments similar to those submitted in support of **claim 1** are submitted in support of **claim 10**.

For at least the foregoing reasons, **claim 10** is not anticipated and is not obvious in light of Farrell, Mostow and Adams taken alone or in any combination.

Telephone Interview

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

Claims 1-15, 20, 23 and 24 remain in the application. **Claims 16-19** stand withdrawn. Reinstatement has been requested. **Claims 21 and 22** have been canceled. For at least the foregoing reasons, the application is in condition for allowance. Accordingly, an early indication thereof is requested.

Respectfully submitted,

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